

# Wetlands Bureau Decision Report

Decisions Taken  
12/14/2009 to 12/20/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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### **2009-00100                      WEST RIVER ROAD LLC SEABROOK   Unnamed Wetland**

#### Requested Action:

Dredge and fill a total of 48,501 sq. ft. of previously impacted palustrine forested, scrub-shrub and emergent wetlands, including 4 (four) man-made detention basins and ditched or otherwise altered wetlands to expand the on-site parking area for the existing Seabrook Truck Center.

Compensatory wetlands mitigation will be provided by a 27.14 acre conservation easement as well as a conservation deed restriction to protect a additional 4.01 acres of remaining land on the development site.

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#### Conservation Commission/Staff Comments:

The Seabrook Conservation Commission did not submit written comments on this project. Pers Comm w/ Sue Foote, Chair of the Seabrook Cons Comm indicated approval of proposed mitigation.

Inspection Date: 05/08/2009 by Frank D Richardson

#### APPROVE AMENDMENT:

Dredge and fill a total of 48,501 sq. ft. of previously impacted palustrine forested, scrub-shrub and emergent wetlands, including 4 (four) man-made detention basins and ditched or otherwise altered wetlands to expand the on-site parking area for the existing Seabrook Truck Center.

Compensatory wetlands mitigation will be provided by a 27.14 acre conservation easement as well as a conservation deed restriction to protect a additional 4.01 acres of remaining land on the development site.

#### With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 12/29/08, as received by DES on January 22, 2009 and, last revised 07/20/09 with easements added, on October 28, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetland Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Alteration of Terrain Program.
5. Record approved plan with conservation easement for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

#### COMPENSATORY WETLANDS MITIGATION:

1. This permit is contingent upon the execution of a conservation easement on 27.14 acres as depicted on plans dated 05/08/09 (last revised 05/21/09) as received by the DES on October 28, 2009 and to be held by the Rockingham County Conservation District.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Rockingham County Registry of Deeds Office shall be

submitted to the DES Wetlands Bureau prior to the start of construction.

4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of non-tidal wetlands ... in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 05, 2009. Field inspection determined that the site is entirely previously disturbed / developed. Very marginal low value man-made isolated wetlands.
6. NH SPGP review by USEPA and NMFS found this project to be 'Eligible as proposed' and 'No resources of concern' respectively.

**MINOR IMPACT PROJECT**

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**2009-00525                      VAUGHN DEVELOPMENT ENTERPRISES LLC**  
**MERRIMACK   Unnamed Wetland**

Requested Action:

Dredge and fill 12,350 sq. ft. of palustrine forested/scrub-shrub/emergent wetlands to construct a common driveway with three culvert crossings needed to access two (2) house lots on buildable uplands.  
Compensatory mitigation will be provided on site by constructing a 19,182 sq. ft. wetland planted with indigenous native vegetation.  
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Conservation Commission/Staff Comments:

The Merrimack Conservation Commission submitted a letter dated April 24, 2009 noting objections and otherwise commenting on this application. These concerns have been addressed by the applicant and are noted in the findings for approval of the application.

Inspection Date: 05/21/2008 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill 12,350 sq. ft. of palustrine forested/scrub-shrub/emergent wetlands to construct a common driveway with three culvert crossings needed to access two (2) house lots on buildable uplands.  
Compensatory mitigation will be provided on site by constructing a 19,182 sq. ft. wetland planted with indigenous native vegetation.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated March 12, 2009, as received by DES on October 08, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
5. NH DES Wetlands Bureau Southeast Region staff and the Merrimack Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau except where utilized for the constructed wetland mitigation area..
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Work shall be done during low flow conditions.

COMPENSATORY MITIGATION:

Wetland construction:

1. This permit is contingent upon the creation of 19,182 sq. ft. of wetlands in accordance with plans received October 08, 2009.
2. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
4. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
5. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands impacted by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. The permittee shall notify the DES Wetlands Bureau Southeast Region staff and the Merrimack Conservation Commission in writing of their intention to commence construction no less than 5 business days prior to construction.
8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
9. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
11. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during

construction and during the early stages of vegetative establishment.

13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 21, 2008. Field inspection determined the only alternative to avoid or minimize the wetland impacts necessary to access the buildable uplands on this site would require the owner/applicant to obtain an easement in adjacent uplands from the abutting property owner.
6. Field inspection by DES staff did not find a "stream flowing through the area ..." as stated in the April 24, 2009 letter from the Merrimack Conservation Commission, but rather a directional sheet flow across the site with no defined flow channel.
7. The three (3) culverts designed for the wetlands crossing will accommodate seasonal flows.
8. The 19,183 sq. ft. of wetlands creation, accepted as compensatory mitigation for this project, will provide for wetlands/wildlife habitat impacted as well as additional flood water storage.
9. The DES finds that the applicant has done due diligence in attempting to obtain an access easement or acquire property rights from the abutting property owner to avoid the wetland impacts required to construct the common driveway.
10. The US EPA has determined that this project qualifies for the US Army Corps of Engineers New Hampshire State Programmatic General Permit.

**2009-01131                      SALISBURY, TOWN OF**  
**SALISBURY   Mill Brook**

Requested Action:

Proposal to impact 505 sq. ft. (includes 468 sq. ft. of temporary impacts) of the bed and banks of Mill Brook to install a culvert at an existing crossing for additional flood flow capacity.

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APPROVE PERMIT:

Dredge and fill 505 sq. ft. (includes 468 sq. ft. of temporary impacts) of the bed and banks of Mill Brook to install a temporary stream diversion and install a 48 in. x 35 ft. CMP culvert for additional flood flow capacity at an existing crossing.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering sheet 1 of 2 revision dated September 21, 2009 and sheet 2 of 2 dated April 12, 2009, as received by DES on November 19, 2009.
2. The Town shall obtain construction easements/agreements from affected landowners outside of the existing road right-of-way and shall supply copies of the signed agreements to DES Wetlands File No. 2009-01131 prior to construction.
3. Work shall be done under low flow conditions through the months of June through August due to the presence of wild brook trout within Mill Brook.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
6. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
12. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
14. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
24. A post-construction report documenting the status of the project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
25. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The culvert is needed to alleviate flooding by smaller storm events along Mill Brook and Mill Road. The engineer has indicated that the existing crossing will only freely pass a 2 year storm event. The additional flood flow culvert will allow for the culvert configuration to freely pass the 10 year storm event.
4. The department would not approve a new stream crossing that only passes a 10 year storm event, however, this proposal is for an additional flood flow culvert at an existing culvert that is not going to be changed. If a new crossing is proposed in the future DES would likely require it to be sized to pass a 100 year storm event.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. DES Staff inspected the adjacent Mill Brook in June of 2009 for a future stream restoration project with the US Army Corps of Engineers ("USACOE"), whom owns the land on both sides of the crossing. It appeared the crossing is undersized. Unfortunately, the USACOE plans do not include funding or assistance for installation an appropriately sized crossing for the Town.
7. The USACOE has provided permission to the Town for impacts associated with the installation of the flood flow culvert.
8. The applicant provided plans stamped by a New Hampshire Professional Engineer and by a New Hampshire Certified Wetland Scientist.

9. The New Hampshire Fish and Game Department through discussions with DES has requested that the work be conducted during the months of June through August to reduce the chance of impacts to wild brook trout within Mill Brook.
10. The conditions of the permit reflect the request.

**2009-01186                      WHEELER, NANCY**  
**HAMPTON   Tidal Buffer**

Requested Action:

Impact a total of 641 sq. ft. (391 sf permanent & 250 sf temporary) within the previously developed upland tidal buffer zone to construct a screened porch and a garage addition to existing structures and to provide 625 sq. ft. of site enhancement by removing portions of a paved area and lawn to be replaced with indigenous natural vegetation, construct two(2) rain gardens and to remove a portion of the stairs surrounding the existing porch.

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Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of the wetlands permit for this project based on the revised 10/22/09 project proposal ...."

Inspection Date: 10/07/2009 by Frank D Richardson

APPROVE PERMIT:

Impact a total of 641 sq. ft. (391 sf permanent & 250 sf temporary) within the previously developed upland tidal buffer zone to construct a screened porch and a garage addition to existing structures and to provide 625 sq. ft. of site enhancement by removing portions of a paved area and lawn to be replaced with indigenous natural vegetation, construct two(2) rain gardens and to remove a portion of the stairs surrounding the existing porch.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 3/27/09 (last revised 10/29/09), as received by DES on November 02, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), project that involve work within 50 feet of a salt marsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 07, 2009. Field inspection determined the project is within the previously developed upland TBZ and will have no deleterious impact on the adjacent tidal marsh.

**2009-01535                      FISHER, PATRICK**  
**RINDGE   Unnamed Wetland Unnamed Stream**

Requested Action:

Dredge and fill  $\pm$  1,776 sq. ft. of unnamed perennial stream to install a 6-ft. x 3-ft. 27-ft. embedded bottom box culvert for forestry activity and southern lot access on an existing  $\pm$  80 acre single family lot of record.

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APPROVE PERMIT:

Dredge and fill  $\pm$  1,776 sq. ft. of unnamed perennial stream to install a 6-ft. x 3-ft. 27-ft. embedded bottom box culvert for forestry activity and southern lot access on an existing  $\pm$  80 acre single family lot of record.

With Conditions:

1. All work shall be in accordance with plans by Graz Engineering, LLC dated July 02, 2009, and revised through November 13, 2009, as received by the Department on November 19, 2009.
2. Work shall be done during low flow conditions.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wingwalls and beyond. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
15. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
21. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(I), alteration of less than 200 linear feet of a perennial stream.
2. The Agent has confirmed the channel width at the crossing is  $\pm$  5 feet, but has been exaggerated over the years by ditching and



beaver activity.

3. The Agent has confirmed additional lot development is not planned.
4. No comments of concern were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. The Conservation Commission recommended the culvert be embedded and found the project was a minimal impact to wetlands.
6. The installation has been revised to embed the culvert and the culvert diameter was increased to 6 feet.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01935                      EASTERN LAKE REGION HOUSING COALITION**  
**WOLFEBORO   Unnamed Wetland**

**Requested Action:**

Proposal to dredge and fill 7350 sq. ft. of wetlands for access and sewer line installation to a proposed 68 unit affordable workforce housing development.

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**Conservation Commission/Staff Comments:**

1. The Conservation Commission submitted comments indicating they had no objection to the project.

**APPROVE PERMIT:**

Dredge and fill 7718 sq. ft. (includes 845 sq. ft. of temporary impacts) of wetlands for access, drainage and sewer line installation for a proposed 68 unit affordable workforce housing development. Work in wetlands includes installation of a 12 in. x 50 ft. plastic culvert, installation of a 66 in. x 51 in. x 35 ft. embedded cnp arch culvert, side slope filling impacts, drainage outlet impacts and temporary impacts for installation of a sewer line.

**With Conditions:**

1. All work shall be in accordance with plans by Nobis Engineering, Inc., revision dated November 15, 2009 and plan by Norway Plains Associates, Inc., revision dated November 6, 2009, as received by DES on November 19, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Waste Water Engineering Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

14. A post-construction report documenting the status of the restoration areas and culvert installation areas with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after one full growing season.
15. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES received comments from one resident of the adjacent Birch Hill Estates community raising concerns with the proposed sewer system/line design.
6. The impacts associated with the sewer line are temporary and the design is being reviewed by the DES Waste Water Engineering Bureau. This permit is conditioned on their approval.
7. The applicant received permission for work on and adjacent to an abutter's property.
8. This project is receiving funding from the American Recovery and Reinvestment Act of 2009 ("ARRA").
9. The United States Environmental Protection Agency ("USEPA") included documentation in the file that indicates the project is eligible for the New Hampshire Programmatic General Permit process.

**2009-02237                      WOOD, MATTHEW & HEATHER**  
**PITTSBURG   First Connecticut Lake**

Requested Action:

Propose to install 882 square feet (182 linear feet) of native stone rip-rap to stabilize the bank of the First Connecticut Lake.

\*\*\*\*\*

APPROVE PERMIT:

Install 882 square feet (182 linear feet) of native stone rip-rap to stabilize the bank of the First Connecticut Lake.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants LLC entitled NH DES Wetlands Plan Prepared for Matthew & Heather Wood dated August 28, 2009 as received by DES on September 21, 2009.
2. Work shall be done in the dry.
3. No equipment shall enter the water.
4. The permittee shall designate a qualified professional who will be responsible for monitoring construction.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Extreme precautions shall be taken within shoreline areas to limit unnecessary removal of vegetation during construction.
8. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
11. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03 (k) projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
2. The department received written agreement from the affected abutters concurring with the impacts that are to occur within 20 feet of the property line.
3. TransCanada Hydro Northeast, Inc. commented that they have no objection to the proposal to install rip-rap along the eroding bank on the First Connecticut Lake; as the repair is above 1640 TransCanada has no jurisdiction above this point.
4. The Connecticut River Joint Commission Headwaters Subcommittee believes the application for stabilization with native stone should proceed on this property, and encouraged the applicant to consider adding willow stakes among the stones as it is installed to further vegetate the buffer.
5. The applicant stated that the proposed rip-rap will not impact abutting properties.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Conservation Commission.

**2009-02239                      AMBROSE LOGGING CO INC**  
**MEREDITH   Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 5,795 sq. ft. of wetlands for access to a proposed building site on an approximately 52-acre parcel and restore 1,665 sq. ft. of historically impacted wetlands.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 5,795 sq. ft. of wetlands for access to a proposed building site on an approximately 52-acre parcel and restore 7,330 sq. ft. of historically impacted wetlands. Permanent impacts in wetlands consists of "Impact 1" of 90 sq. ft. for filling and grading for the driveway construction, and two crossings for the driveway consisting of 2,835 sq. ft. for "Impact 2" containing two 24 in. x 25.5 ft. plastic culverts, associated filling, grading and culvert headwalls and 2,879 sq. ft. of impact consisting of "Impact 3" containing two 18 in. x 27.5 ft. plastic culverts associated filling, grading and culvert headwalls.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated December 14, 2009, as received by DES on December 15, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Any further development of this property beyond this approval will require additional onsite wetlands and surface water delineation by a New Hampshire Certified Wetland Scientist ("CWS") before the start of further construction.

5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. A CWS shall monitor the construction and wetlands restoration to assure all work is conducted in accordance with the approved plans.
11. The wetlands restoration activities shall be conducted before or simultaneously with the new access construction.
12. Post-construction monitoring reports documenting the status of the project with photographs shall be prepared and submitted by the CWS to the Wetlands Bureau within 60 days of the completion of construction and after each of the following two growing seasons.
13. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Work shall be done during low flow.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has not been able to obtain legal access to the site from the existing access road.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant has provided copies of permission letters from all affected abutters/landowners.
7. The Meredith Conservation Commission has provided comments indicating they have no objections to the approval of the project.
8. The applicant has submitted a waiver request per Env-Wt 204.03, to the location of all wetlands per Env-Wt 501.02(a)j.
9. The waiver request is due to the large size of the parcel, limited area of proposed impact and cost associated with delineating and surveying all wetlands on the 52 acre parcel.
10. The applicant's agent has field delineated and located all wetlands associated the proposed impacts and restoration areas.
11. The applicant has investigate the parcel for vernal pools and identified a potential pool approximately 1,200 linear feet from the project area.
12. The applicant's agent has provided plans with the remaining wetland locations estimated.
13. The applicant has provided a plan depicting the proposed building area and potential sewer system leach field.
14. The project plans clearly indicate the estimated wetland boundaries.
15. This authorization is conditioned on the requirement of additional field delineation of wetlands and potential permitting for any further development of the parcel.
16. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting

properties that is more significant than that which would result from complying with the Env-Wt 501.02(a)j.

17. The waiver to Administrative Rule 501.02(a)j is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

**2009-02335**

**LRGHEALTHCARE, BELKNAP FAMILY HEALTH CTR**

**MEREDITH Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 550 sq. ft. of stream bed and banks to replace/upgrade a failed 24 in. x 31. ft. CMP culvert and stabilize approximately 20 linear ft. of blocked and eroded stream bed and bank within the property of the Belknap Family Health Center. Work consists of installation of a new 28 in. x 20 in. x 31 ft. pipe arch culvert with associated headwalls and removal or adjustment of two boulders and stabilizing the existing stream bank.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill approximately 550 sq. ft. of stream bed and banks to replace/upgrade a failed 24 in. x 31. ft. CMP culvert and stabilize approximately 20 linear ft. of blocked and eroded stream bed and bank within the property of the Belknap Family Health Center. Work consists of installation of a new 28 in. x 20 in. x 31 ft. pipe arch culvert with associated headwalls and removal or adjustment of two boulders and stabilizing the existing stream bank.

**With Conditions:**

1. All work shall be in accordance with plans by Steven J. Smith Associates, Inc., dated 08/11/09, as received by DES on 10/02/09.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be done during low flow.
5. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no

greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

20. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02339 METRO HEALTH FOUNDATION INC**  
**MEREDITH Unnamed Wetland**

Requested Action:

Dredge and fill 4,906 sq. ft. of wetlands for construction of a new access road associated with the expansion of an existing building and parking area for the Goldenview Healthcare Center.

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APPROVE PERMIT:

Dredge and fill 4,906 sq. ft. of wetlands for construction of a new access road associated with the expansion of an existing building and parking area for the Goldenview Healthcare Center.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith Associates, Inc., sheet 2 and 4 revision date 9/22/09 and sheet 11 revision dated 9/02/09, as received by DES on 10/05/09.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. The permittee shall coordinate with the Town Conservation Commission for control of invasive, weedy species on the site such as purple loosestrife (*Lythrum salicaria*), common reed (*Phragmites australis*) and Japanese knotweed (*Polygonum cuspidatum*). All required permits or authorization for control measures must be obtained by the applicant before employed.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposal includes treatment and detention structures to address any additional stormwater runoff created by the expansion project.

**2009-02423 NH DEPT OF TRANSPORTATION**

**LEE Unnamed Stream**

Requested Action:

Dredge sediment from the outlet area of a 36 in. culvert impacting 5,810 sq. ft. (4,230 sq. ft. temporary) of palustrine and riverine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. inspected and recommends the dredged channel and banks be lined with stone and where trees are cut the stumps be left in place.

Inspection Date: 11/24/2009 by Gino E Infascelli

APPROVE PERMIT:

Dredge sediment from the outlet area of a 36 in. culvert impacting 5,810 sq. ft. (4,230 sq. ft. temporary) of palustrine and riverine wetlands. NHDOT project #2009-M605.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 6-9-09, as received by the Department on Oct. 9, 2009, except as conditioned below.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
11. Work shall be done during low flow.
12. Dredging within the 5,810 sq. ft. work area is limited to removal of gravel deposits left on top of the original or wetland soil which shall remain in place.
13. Stabilization with stone shall be minimized and limited to the protection of the 36 in. culvert outlet and the interface of the wetland and upland bank.
14. Clearing of vegetation shall be limited to those areas necessary to reach the work permitted and all stumps shall remain in place.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a perennial stream or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On Nov. 9, 2009, the DES received recommendations from the Conservation Commission that the dredged channel and banks be lined with 6 in. minus stone and that where trees are cut the stumps be left in place.
7. Research of dredge and fill permits found an approval (2001-02445) to fill 8,200 sq. ft. in a palustrine forested wetland and install a 36 in. x 115 ft. culvert for access to a medical office park on the property east of Rte. 125, but did not locate a file for the detention basin outlet culvert.
8. DES Staff conducted a field inspection of the proposed project on Nov. 24, 2009 and determined that storm events had overwhelmed the embankment westerly of the 36 in. culvert and the road embankment at the easterly side causing soil to fill into the stream and wetland. Inspection also found the sediment material was limited in depth and the temporary erosion controls were causing as much backwater at the culvert outlet as the sediment deposited in the wetland.
9. As the permit issued limits the amount of work in the stream and wetland, it similarly limits the amount of stone to be used for stabilization.
10. A review of the project relative to impaired waters finds that most work is temporary, will have no additional loading or change in use and best management practices are required in the conditions of approval, therefore there should be no additional impact to impaired waters.
11. NH Fish and Game Dept. indicates impacts are not likely to species noted.

**2009-02601 CHARLESTOWN, TOWN OF  
CHARLESTOWN Clay Brook**

Requested Action:

Dredge and fill  $\pm$  1,673 sq. ft. of Clay Brook to replace the Fling Road 10-foot x 30-foot metal culvert (bridge no. 155/162) with a 24-foot x 9-foot x 35-foot box culvert.

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APPROVE PERMIT:

Dredge and fill  $\pm$  1,673 sq. ft. of Clay Brook to replace the Fling Road 10-foot x 30-foot metal culvert (bridge no. 155/162) with a 24-foot x 9-foot x 35-foot box culvert.

With Conditions:

1. All work shall be in accordance with plans by McFarland Johnson sheets 1 - 11 and 13-17, dated September 2009 and October 2009, as received by the DES on October 27, 2009 and plan sheet 12 dated September 2009, as received by DES on December 10, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff



treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

3. Work shall be done during low flow.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Materials used to emulate a natural channel bottom must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
17. The river channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(I), alteration of less than 200 linear feet of a river or its banks.
2. The proposed span will adequately pass the 50-year storm.
3. The riverbed materials were revised from 2 inches of riprap to 1.6 inches of riprap with 6 inches of streambed material above.
4. The greatest Clay Brook bankfull width in the project location was confirmed as 15 feet.
5. Easements for work outside of the right-of-way have been obtained.

6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02881                      BANK OF BOSTON, HENRY LINCOLN TTEE**  
**ALTON   Lake Winnepesaukee**

**Requested Action:**

Repair existing concrete docking structures by refacing with not more than 6 inches of concrete on an average of 100 ft of frontage on Lake Winnepesaukee.

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**APPROVE PERMIT:**

Repair existing concrete docking structures by refacing with not more than 6 inches of concrete on an average of 100 ft of frontage on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans by Terry Graham, Docks Unlimited as received by DES on December 2, 2009.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
4. There shall be NO FURTHER REFACING of these structures. Any future repair of these structures shall include the removal of the refacing material and shall restore them to their previous dimensions.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. This permit does not allow for dredging for any purpose.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This project is classified as a minor impact project per Rule Env-Wt 303.03 (d), modification of a docking facility providing less than 5 slips.

**MINIMUM IMPACT PROJECT**

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**2006-02593                      LYME CONSERVATION COMMISSION, MATT STEVENS**  
**LYME   Grant & Clay Brooks**

Requested Action:

After-the-fact application to conduct secondary work on a project approved on 11/7/06. A-t-F request to retain two (2) culverts in Clay Brook beaver dams to control the water levels of Post Pond.

\*\*\*\*\*

DENY AFTER THE FACT:

Deny after-the-fact application to conduct secondary work on a project approved on 11/7/06. A-t-F request to retain two (2) culverts in Clay Brook beaver dams to control the water levels of Post Pond.

With Findings:

Denial:

The decision was determined based on the following findings:

1. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
2. The need for the proposed impacts shall be demonstrated by the applicant prior to Department approval of any alteration of nontidal wetlands per NH Code of Admin Rule Env-Wt 302.01.
3. The applicant must provide the distance from existing and proposed work to abutting property lines per Env-Wt 501.02 (C)(4).
4. Pursuant to Env-Wt 304.04(a), the Department shall limit the location of a project to at least 20 feet from an abutting property line...unless it received a written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interest.
5. Pursuant to Env-Wt 302.04(a)(11), the applicant must evaluate the potential impacts to abutting land owners.
6. Pursuant to RSA-482-A:11(II), "No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
7. Pursuant to Env-Wt 302.04 (d)(2), the Department shall not grant a permit if the applicant has failed to document consideration of factors as required in Env-Wt 302.04 (a), (b, or (c).
8. Pursuant to Env-Wt 302.04 (d)(3), the Department shall not grant a permit if the project will cause random or unnecessary destruction of wetlands.

Findings of Fact:

1. On November 7, 2006, the DES Wetlands Bureau issued approval for the temporary impact of approximately 500 square feet of Clay Brook to install a 12-inch x 40-foot corrugated culvert and wire mesh debris cage in a beaver dam, downstream of Post Pond.
2. On January 25, 2008, the DES Wetlands Bureau received a complaint alleging that work within wetlands had occurred in excess of the conditions of Wetlands Permit 2006-2593.
3. On July 9, 2008, the DES Wetlands Bureau issued Letter of Deficiency WET 08-030 (the "LOD") documenting unauthorized wetland impacts within the Post Pond Recreation Area and the installation of two unauthorized culverts in Clay Brook Beaver Dams. The LOD requested the retention of a certified wetland scientist to delineate the wetlands on the property and the submission of after-the-fact permit applications to retain the unauthorized wetland impacts.
4. On July 16, 2009, the DES Wetlands Bureau received an after-the-fact application proposing to retain two (2) unauthorized culverts through existing beaver dams in Clay Brook to control the water level of Post Pond.
5. On July 23, 2009, the DES Wetlands Bureau deemed the application Administratively Complete.
6. On October 21, 2009, the DES Wetlands Bureau conducted a public hearing, under the authority of RSA 482-A, on the after-the-fact application. The public hearing was conducted at the Department of Health and Human Services Building in Rooms 112/113, 29 Hazen Drive, Concord, NH at 10:00 am. During the public hearing, citizens, agents, and officials from the Town of Lyme spoke in opposition to or in favor of the pending application. The following summarizes the facts and comments received:
  - " The culverts appear to be directly connected to a larger pending application (Wetlands File 2009-1507);
  - " The impact to abutting land owners and larger wetland complex have not been evaluated;
  - " The property ownership relative to the culvert locations was disputable and requires additional research. The culverts appear to be located on or less than 20 feet from an abutting property line. No written landowner permission has been or will be provided to lessen the setback;
  - " In fall of 2007, New Hampshire Department of Transportation trapped and relocated nine beavers from the Clay Brook Area. No signs of beaver residence has been observed within the Clay Brook Area since the trapping and relocation; and
  - " The beaver dam where the culverts were installed has deteriorated and failed, therefore the culverts are not functioning and the need for the culverts has been eliminated.

Findings in Support of Denial:

1. The applicant has not addressed Env-Wt 302.01 to the Department's satisfaction, and therefore the application is denied in accordance with Env-Wt 302.04 (d)(3) as the project will cause unnecessary destruction of wetlands.
2. The applicant has not addressed Env-Wt (a)(11) to the Department's satisfaction as the applicant has failed to document factors as required in Env-Wt 302.04 (a)(11), and therefore the application is denied in accordance with Env-Wt 302.04 (e)(2).
3. The applicant has not demonstrated proof of property ownership or landowner permission as required in RSA 482-A:11, and therefore "No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."

You may apply for reconsideration with respect to any matter contained in this action within 30 days from the date of this letter. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

Furthermore, upon issuance of this denial, the file has been referred to the Wetlands Bureau Compliance Section for corrective action.

**2009-01356                      YOUNG, JAMES & WILLIAM**  
**SALEM    Unnamed Wetland**

Requested Action:

Retain 158 square feet of wetland dredge and fill to replace a failed culvert with an 18" x 300' culvert in the same location.

\*\*\*\*\*

Inspection Date: 06/18/2009 by Ana K Ford

APPROVE AFTER THE FACT:

Retain 158 square feet of wetland dredge and fill to replace a failed culvert with an 18" x 300' culvert in the same location.

With Conditions:

1. All work shall be in accordance with plans by SEC & Associates, Inc dated September 11, 2009, as received by DES on October 13, 2009.
2. This permit is contingent on completing the requirements of the DES "Restoration Plan Approval" letter dated December 16, 2009.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau and Alteration of Terrain Bureau.
9. This permit shall be recorded with the county Registry of Deeds office by the permittee.

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(f), as wetland impacts are less than 3,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Rule Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01446                      MARCHEK, DIANE**  
**MOULTONBOROUGH   Lake Winnepesaukee**

**Requested Action:**

Install a 3 ft 2 in x 50 ft seasonal dock on 48 ft of frontage on Lake Winnepesaukee, Center Harbor.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com submitted comments about congestion, excessive length per DES rules

**DENY PERMIT:**

Install a 3 ft 2 in x 50 ft seasonal dock on 48 ft of frontage on Lake Winnepesaukee, Center Harbor.

**With Findings:**

**Standards for Approval**

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minimum impact per Rule Env-Wt 303.04(a), modification of a seasonal pier providing no more than 2 slips.
3. In accordance with Rule Env-Wt 402.12 "Frontage Less Than 75'. To lessen congestion, improve public safety and navigation, protect neighboring property values, and provide sufficient area for construction of facilities, docks or piers permitted on property with less than 75' of shoreline frontage shall be no larger than 4 feet x 24 feet."
4. In accordance with RSA 482-A:2, VIII, on water bodies over 10,000 acres "boat slip" means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.
5. In accordance with Rule Env-Wt 204.04, Criteria, a rule shall only be waived if the request is consistent with the intent and purpose of the rule being waived or the strict compliance with the rule will provide no benefit to the public.

**Finding of Fact**

1. On July 10, 2009, the Wetlands Bureau received a Standard Dredge and Fill Application for surface water impacts on the lot identified as Moultonboro tax map 169, lot 69, to install a 3 ft 2 in x 50 ft seasonal dock on 48 ft of frontage on Lake Winnepesaukee, Center Harbor.
2. On July 10, 2009, the Wetlands Bureau received comments from the local Conservation Commission. These comments stated the applicant does not have "sufficient shore frontage to allow a dock."
3. The Wetlands Bureau sent a Request for More Information letter dated September 25, 2009 to the applicant. The Request for More Information letter requested, that the Applicant submit plans for a 4 ft x 24 ft long dock on this frontage as allowed for under Rule Env-Wt 402.12.
4. The applicant submitted a response the Request for More Information letter on November 17, 2009. The response included plans for a 3 ft 2 in x 50 ft seasonal dock with water depths indicating that there would be insufficient water depths adjacent to the proposed dock to provide any boat slips as defined per RSA 482-A:2, VIII.
5. The tax map indicates that the property lines of the subject property converge as they approach the shoreline. The plans submitted by the Applicant fail to indicate the converging property lines and instead show the property lines as being parallel as they approach the shoreline.
6. The Applicant claims that the deed for the property states that the property has 48 ft of frontage along Lake Winnepesaukee. The deed for the property specifies that the rear property line, opposite the lakefront is 48 ft in length but does not specify the length of the shoreline frontage.

## Rulings in Support of Denial

1. The Applicant has failed to submit plans that accurately depict the property lines and the imaginary extension of those lines over the water.
2. The purpose of Rule Env-Wt 402.12 is stated as being to lessen congestion. Waiving the requirements of Rule Env-Wt 402.12 to allow a longer dock on this frontage will not serve to lessen congestion and will provide no benefit to the public. Therefore the requirements of Rule Env-Wt 204.04 for waiving Rule Env-Wt 402.12 have not been met.
3. The proposed docking structure exceeds the dimensions allowed pursuant to Env-Wt 402.12, therefore in accordance with RSA 482-A:3, the application is denied.

## FORESTRY NOTIFICATION

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**2009-02927                      CARTIER, NORMAN**  
**STARK    Unnamed Stream**

COMPLETE NOTIFICATION:  
Stark Tax Map 408, Lot# 54

**2009-02932                      KAPP, GEOFF**  
**CAMPTON    Unnamed Stream**

COMPLETE NOTIFICATION:  
Campton Tax Map 8-1, Lot# 5 & 7

**2009-02933                      BLACK, JEAN THOMSON**  
**SANDOWN    Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax Map R3, Lot# 24

**2009-02934                      HARRISON, DANIEL & SUSAN**  
**MARLBOROUGH    Unnamed Stream**

COMPLETE NOTIFICATION:  
Marlboro Tax Map 7, Lot# 26

**2009-02940                      SYLVESTER, JACK**  
**CARROLL    Unnamed Stream**

COMPLETE NOTIFICATION:  
Carroll Tax Map 211, Lot# 4

**2009-02941                      ANDORA FOREST, PAUL CROSBY**  
**SULLIVAN    Unnamed Stream**

COMPLETE NOTIFICATION:

Sullivan Tax Map 2, Lot# 7

EXPEDITED MINIMUM

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**2009-01390                      PORTSMOUTH FFI LLC, RUBY HUANG**  
**PORTSMOUTH   Unnamed Wetland**

Requested Action:

Maintenance dredge 1,239 sq. ft. of wetlands within an existing drainage swale. Restoration of 1,258 sq. ft. of wetlands is addressed under separate cover.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. recommends approval.

Inspection Date: 06/16/2009 by David A Price

Inspection Date: 06/18/2009 by David A Price

Inspection Date: 08/25/2009 by David A Price

APPROVE PERMIT:

Maintenance dredge 1,239 sq. ft. of wetlands within an existing drainage swale. Restoration of 1,258 sq. ft. of wetlands is addressed under separate cover.

With Conditions:

1. All work shall be in accordance with plans by T.F. Moran, Inc. dated September 30, 2009, as received by the Department on October 19, 2009.
2. This permit is contingent upon restoration of 1,258 sq. ft. of wetlands in accordance with the DES Restoration Plan Approval dated December 7, 2009.
3. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Silt fencing must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual

(January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

13. Work shall be done during low flow.

With Findings:

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant seeks to restore function to a swale that was previously properly constructed, but then not used, and therefore filled in over time with debris. The work is proposed in conjunction with resolution of a complaint of 1,258 sq. ft. of unauthorized dredging in Hodgson Brook addressed under Letter of Deficiency #09-024.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Administrative Rule Env-Wt 302.03. Restoration of the swale replaces an unauthorized impact to Hodgson Brook. The Hodgson Brook impact is being restored under Restoration Plan Approval dated November 5, 2009.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in either the project or violation area.

5. The Portsmouth Conservation Commission signed the expedited application.

**2009-01990                      ST JEAN, BENOIT**  
**NEW DURHAM   Merrymeeting Lake**

Requested Action:

Correct approval to reflect request to install a seasonal canopy

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APPROVE AMENDMENT:

Correct permit to read: Install a 10 ft x 27 ft seasonal canopy and a seasonal boatlift adjacent to a 3 ft 6 in x 20 ft seasonal pier, extending from a 14 ft x 24 ft partially dug-in boathouse with a 12 ft x 8 ft seasonal deck on 95 ft of frontage on Merrymeeting Lake in New Durham.

With Conditions:

1. All work shall be in accordance with plans by Benoit St Jean as received by DES on November 10, 2009.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

5. All seasonal structures shall be removed from the lake for the non-boating season.

6. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.

7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ac).



**2009-02708 PERKINS, ALAN**  
**NORTH HAMPTON Tidal Buffer Zone**

Requested Action:

Impact 610 square feet within the previously developed 100-foot tidal buffer zone to raise the existing dwelling, remove the existing block foundation and construct a new concrete foundation within the existing foot print.

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Conservation Commission/Staff Comments:

The North Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 610 square feet within the previously developed 100-foot tidal buffer zone to raise the existing dwelling, remove the existing block foundation and construct a new concrete foundation within the existing foot print.

With Conditions:

1. All work shall be in accordance with plans by MAC Civil Engineers & Land Surveyors, Inc. dated October 14, 2009, as received by DES on November 18, 2009.
2. DES Southeast region staff shall be notified in writing prior to commencement of work and upon its completion.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The foundation shall maintain existing size, location and configuration.
6. No fill shall be done for lot development.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project is exempt from the Comprehensive Shoreland Protection Act, RSA 483:B pursuant to Env-Wq 1406.04(c)(3).
6. In a memo dated October 26, 2009, the NH Natural Heritage Bureau (the "NHB") identified three (3) plant species and one (1) vertebrate species in the vicinity of the proposed project.
7. DES finds that none of the aforementioned species in the NHB memo will be affected by this project as the work will occur in a previously developed lot and the work will be within the existing footprint of the structure.

**2009-02789 PSNH**  
**MILTON Unnamed Wetland**

Requested Action:

Temporarily impact 12,830 sq. ft. of wetlands to place swamp mats to conduct maintenance of an approximately 1-mile stretch of the number 386 power line, including replacement of 22 poles.

\*\*\*\*\*

**APPROVE PERMIT:**

Temporarily impact 12,830 sq. ft. of wetlands to place swamp mats to conduct maintenance of an approximately 1-mile stretch of the number 386 power line, including replacement of 22 poles.

**With Conditions:**

1. All work shall be in accordance with plans by Nobis Engineering Inc. dated 11/4/2009, as received by DES on 11/23/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be done during frozen conditions or low flow.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the maintenance or repair of an existing utility line that meet the criteria of Env-Wt 303.04(af)(1)-(10).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The work represents necessary power line pole maintenance.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The work is temporary and will be conducted under frozen conditions to the extent possible.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. Species of concern were reported by the NH Natural Heritage as a result of a review of the entire 10-mile 386 line corridor. The species reported occur in Rochester, not in the area of Milton that is the subject of the application.
5. The Milton Conservation Commission signed the expedited application.

**TRAILS NOTIFICATION**

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**2009-02687**

**LONDONDERRY, TOWN OF  
LONDONDERRY**

**COMPLETE NOTIFICATION:**

Londonderry Tax Map 9, Lot# 55A

**ROADWAY MAINTENANCE NOTIF**

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**2009-02920                      NH DEPT OF TRANSPORTATION**  
**DUBLIN   Howe Reservoir**

**2009-02965                      NH DEPT OF TRANSPORTATION**  
**FRANKLIN   Unnamed Stream**

**2009-02966                      NASHUA, CITY OF**  
**NASHUA   Lincoln Brook**

**2009-02967                      GILFORD, PUBLIC WORKS TOWN OF**  
**GILFORD   Unnamed Wetland Manmade Drainage Ditch**

**2009-02968                      NH DEPT OF TRANSPORTATION**  
**ERROL   Unnamed Wetland**

**PERMIT BY NOTIFICATION**

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**2009-02522                      FISKE HYDRO LLC**  
**HINSDALE   Ashuelot River**

Requested Action:

Maintenance dredge 2,200 sq. ft. of accumulated material at the Ashuelot River Fiske Hydro Electric facility intakes and trash racks.

\*\*\*\*\*

PBN IS COMPLETE:

Maintenance dredge 2,200 sq. ft. of accumulated material at the Ashuelot River Fiske Hydro Electric facility intakes and trash racks.

With Findings:

1. The Conservation Commission did not sign the PBN, and therefore did not waive their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(3), Maintenance dredging that meets the criteria in Env-Wt 303.04(k).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2009-02924                      CURLL, DANIEL**  
**ALSTEAD   Hale Brook**

Requested Action:

In-kind replacement of culvert wingwall/retaining along Hale Brook. Replacement includes retrieving two (2) failed concrete blocks from Hale Brook.

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PBN IS COMPLETE:

In-kind replacement of culvert wingwall/retaining along Hale Brook. Replacement includes retrieving two (2) failed concrete blocks from Hale Brook.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7), the maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).

**2009-02948                      NARDELLO, MARIE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair existing docking structures and remove structures to bring frontage into compliance on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN DISQUALIFIED:

Repair existing docking structures and remove structures to bring frontage into compliance on Lake Winnepesaukee, Alton.

With Findings:

1. PBN disqualified as PBN was submitted to conduct after-the-fact compliance actions.

**2009-02958                      BROADVIEW CONDOMINIUMS**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Repair existing docking structure in kind on Lake Winnepesaukee, Gilford.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form on Dec 14, 2009

PBN IS COMPLETE:

Repair existing docking structure in kind on Lake Winnepesaukee, Gilford.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

## CSPA PERMIT

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**2009-01770                      PETRILLO, BRIAN & JOANNE**  
**MEREDITH   Lake Winnepesaukee**

### Requested Action:

Amend permit to account for actual impervious area of the requested structures.

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### APPROVE AMENDMENT:

Amend permit to read: Impact 2,397 sq ft, 1,445 sq ft of which shall be temporary impacts, to construct a 24 ft x 33 ft 4 in dug-in boathouse.

### With Conditions:

1. This permit is contingent upon approval of Wetlands Application #2009-01771 for docking facilities, dredging, and bank impacts by the DES Wetlands Bureau in accordance with RSA 482-A.
2. The boathouse and pier shall be constructed in accordance with plans approved by the DES Wetlands Bureau as noted above.
3. The impervious surface area of the boathouse shall not exceed 855 sq ft.
4. The project as proposed shall not impact any area currently existing in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. All temporary impact areas shall be restored and revegetated in accordance with the planting plan submitted to the file within 60 days of the completion of the boathouse foundation.
11. NO fertilizer shall be used within 25 ft of the reference line with the exception of limestone pursuant to RSA 483-B:9, II, (d).

### With Findings:

1. Rule Env-Wq 1405.05, Slope Limitation for Accessory Structures, is waived in accordance with Rule Env-Wq 1413.04, Criteria, as the proposed impacts shall be less than those previously approved by the Wetlands Bureau under Permit #2005-01333.

**2009-02776                      PALANCHIAN, CHERYL**  
**GILFORD   Lake Winnepesaukee**

### Requested Action:

impact 6,818 sq ft for dock wench and driveway installation / construction.

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### APPROVE PERMIT:

impact 6,818 sq ft for dock wench and driveway installation / construction.

### With Conditions:

1. All work shall be in accordance with plans by Bryan L. Bailey Associates, Inc. dated November 1, 2009 and received by the Department of Environmental Services ("DES") on November 24, 2009.

2. No more than 16.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,447 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,447 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02777                      PALANCHIAN, MARK**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Impact 203 sq ft to construct a dock anchor pad.

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APPROVE PERMIT:

Impact 203 sq ft to construct a dock anchor pad.

With Conditions:

1. All work shall be in accordance with plans by Bryan L. Bailey Associates, Inc. dated November 1, 2009 and received by the Department of Environmental Services ("DES") on November 24, 2009.
2. No more than 7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,532 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,532 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02812                      BOTNICK, RICHARD AND DOROTHY**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

impact 2,810 sq ft to construct an additions to an existing dwelling, existing drive, and brick walk.

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**APPROVE PERMIT:**

impact 2,810 sq ft to construct an additions to an existing dwelling, existing drive, and brick walk.

**With Conditions:**

1. All work shall be in accordance with plans by David M. Dolan Associates, PC dated November 1, 2009 and received by the Department of Environmental Services ("DES") on November 30, 2009.
2. No more than 26.55% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,820 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,538 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02814                      MCKENNEY, CLIFTON AND KAREN**  
**BARRINGTON   Swains Lake**

**Requested Action:**

Impact 8,709 sq ft to construct new home with covered porch and decks, garage, and septic.

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**APPROVE PERMIT:**

Impact 8,709 sq ft to construct new home with covered porch and decks, garage, and septic.

**With Conditions:**

1. All work shall be in accordance with plans by Berry Surveying and Engineering dated November 5, 2009 and received by the Department of Environmental Services ("DES") on November 30, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,989 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,577 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02874                      BLEASE, SCOTT**  
**GREENVILLE   Souhegan River**

Requested Action:

Impact 17615 sq. ft. for the construction of a new 42' diameter clarifer at the treatment plant.

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APPROVE PERMIT:

Impact 17615 sq. ft. for the construction of a new 42' diameter clarifer at the treatment plant.

With Conditions:

1. All work shall be in accordance with plans by Woodard and Curran dated December 3, 2009 and received by the Department of Environmental Services ("DES") on December 4, 2009.
2. No more than 22.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 118,357 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 118,357 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**CSPA PERMIT W/WAIVER**

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**2009-01389                      HARRISON, RONALD & DEBORAH**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Impact 24,861 sq ft to remove a non-conforming primary structure, construct a conforming primary structure, replace 5,873 sq ft of impervious driveway with a pervious surface driveway, remove 850 sq ft of driveway, and construct a garage.

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Inspection Date: 07/16/2009 by Raymond M Reimold

APPROVE AMENDMENT:

Impact 24,861 sq ft to remove a non-conforming primary structure, construct a conforming primary structure, replace 5,873 sq ft of impervious driveway with a pervious surface driveway, remove 850 sq ft of driveway, and construct a garage.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co, Inc. as revised September 23, 2009 and received by the Department of Environmental Services ("DES") on September 25, 2009.
2. All portions of the existing primary structure shall be completely removed prior to the construction of any new structure within



the protected shorelands on the property.

3. No more than 16.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 1978 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. All areas specified for use of pervious surfaces shall resurfaced as specified on the approved plan and shall be properly maintain so as to effectively absorb and infiltrate stormwater.

**2009-02639 HARVEY, DAVID**  
**NEW DURHAM Merrymeeting Lake**

**Requested Action:**

Impact 1,515 sq ft for the purpose of constructing a new residential dwelling and installing a new septic system.

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**APPROVE PERMIT:**

Impact 1,515 sq ft for the purpose of constructing a new residential dwelling and installing a new septic system.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

**With Conditions:**

1. All work shall be in accordance with plans submitted to the Department of Environmental Services ("DES") on November 4, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. This permit is contingent upon receiving all necessary permits from the Wetlands Bureau for impacts jurisdictional under RSA 482-A.
5. No more than 9.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
7. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Merrymeeting Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to construct the new residence 18 feet further from the reference line.
4. The applicant has proposed to install stormwater controls consisting of a 1 foot deep x 1 feet infiltration trench to capture stormwater from driveway.
5. The applicant has proposed to significantly enhance the waterfront buffer and install stormwater management technique, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.